

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1571 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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NATHABHAI RAMABHAI VANKAR

Versus

STATE OF GUJARAT & OTHERS

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Appearance:

MS KETTY A MEHTA for Petitioner

MR SAMIR DAVE for Respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/11/96

ORAL JUDGEMENT

1. Heard learned counsel for the parties and perused the papers of the Special Civil Application.

2. The petitioner, an employee of the Land Records Department of the Government of Gujarat, filed this Special Civil Application before this court and prayed therein that the respondents may be directed to fix the seniority of the petitioner in accordance with the land

records qualifying examination Rules and be further directed to consider the petitioner for promotion to Class-III, Grade 425-700 in the Land Records Service and be further directed not to promote any of his juniors including Shri Bhikhabhai Chhaganbhai Senma to the said Class-III post.

3. Rule was issued by this court in this case on 19th April, 1983 and by way of interim relief it has been ordered that the promotions if any will be purely temporary and subject to the result of this petition.

4. It is not in dispute that after filing of this Special Civil Application, the petitioner has been promoted to the Class-III post on 26th March, 1992. The only grievance which now survives is the deemed date of promotion of the petitioner. For this grievance it is more appropriate and proper for the petitioner to make a representation to the respondent no.1 and respondent no.1 on receipt of the said representation will decide the same within a period of three months thereafter. In case the petitioner's grievance is accepted then he will be entitled for all the consequential benefits which follows therefrom. In case the claim of the petitioner is not acceptable by the respondent no.1 then a reasoned order may be passed and a copy of the same may be sent to the petitioner by registered post. Rule stands disposed of in the aforesaid terms with no order as to costs.

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